

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOHN M. HENTGES,

Plaintiff,

v.

ORDER

Civil File No. 10-4081 (MJD/FLN)

STATE OF MINNESOTA, et al.,

Defendants.

John M. Hentges, pro se.

The above-entitled matter comes before the Court on Plaintiff John M. Hentges' Ex Parte Objections and Request for Legal Authority. [Docket No. 9]

In a November 12, 2010 Order [Docket No. 4], United States Magistrate Judge Franklin L. Noel denied Plaintiff's application for leave to proceed in forma pauperis and ordered that, by no later than December 15, 2010, Plaintiff was required to file an amended complaint that satisfied the pleading requirements discussed in the Order, failing which, it would be recommended that this action be dismissed, without prejudice, for failure to prosecute. On

November 19, 2010, Plaintiff filed an Ex Parte Motion for Stay of Proceedings and Other Orders. [Docket No. 6] On November 24, 2010, Magistrate Judge Noel denied Plaintiff's request for reconsideration of the November 12 Order; granted Plaintiff a 30-day extension for filing an amended complaint, until January 14, 2011; and denied Plaintiff's request for a stay. [Docket No. 8]

On January 4, 2011, Plaintiff filed the current Ex Parte Objections and Request for Legal Authority objecting to both the November 12, 2010 Order and of the November 24, 2010 Order.

Local Rule 72.2(a) provides:

Within 14 days after being served with a copy of the Magistrate Judge's order, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may file and serve objections to the order; a party may not thereafter assign as error a defect in the Magistrate Judge's order to which objection was not timely made.

Plaintiff did not file his objections to the November 24 Order or to the November 12 Order until more than 40 days after the Orders were filed and mailed to Plaintiff. Plaintiff did not request an extension of time to object to the Magistrate Judge's Orders. Plaintiff's objections to the Magistrate Judge's Orders are untimely, and, therefore, are denied by the Court

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

Plaintiff's untimely objections [Docket No. 9] to United States Magistrate Judge Noel's November 12, 2010 Order and November 24, 2010 Order are **DENIED**.

Dated: January 27, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court